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**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**

VARTENI OSTONI,	)	Case No.: 2:22-cv-01438-KJN
Plaintiff,	)	
vs.	)	STIPULATION FOR THE AWARD AND
KILOLO KIJAKAZI,	)	PAYMENT OF ATTORNEY FEES AND
Acting Commissioner of Social Security,	)	EXPENSES PURSUANT TO THE EQUAL
Defendant.	)	ACCESS TO JUSTICE ACT; ORDER

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees and expenses in the amount of \$6,700.00, under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and no costs under 28 U.S.C. § 1920. This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 2412(d), 1920.

After the Court issues an order for EAJA fees to Plaintiff, the government will consider the matter of Plaintiff's assignment of EAJA fees to counsel. Pursuant to *Astrue v. Ratliff*, 560 U.S. 586, 598, 130 S. Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor the assignment will depend on whether the fees are subject to any offset allowed under the United States Department

1 of the Treasury's Offset Program. After the order for EAJA fees is entered, the government will  
2 determine whether they are subject to any offset.

3 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines  
4 that Plaintiff does not owe a federal debt, then the government shall cause the payment of fees to  
5 be made directly to Plaintiff's counsel, Jesse S. Kaplan, pursuant to the assignment executed by  
6 Plaintiff.

7 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA  
8 attorney fees and does not constitute an admission of liability on the part of Defendant under the  
9 EAJA or otherwise. Payment of the agreed amount shall constitute a complete release from, and  
10 bar to, any and all claims that Plaintiff and/or Jesse S. Kaplan may have relating to EAJA  
11 attorney fees in connection with this action.

12 This award is without prejudice to the rights of Jesse S. Kaplan to seek Social Security  
13 Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA.

14  
15 Respectfully submitted,

16 Dated: October 20, 2023

/s/ Jesse S. Kaplan\*

(\*as authorized via e-mail on October 19, 2023)

JESSE S. KAPLAN

Attorney for Plaintiff

19 Dated: October 20, 2023

PHILLIP A. TALBERT

United States Attorney

MATHEW W. PILE

Associate General Counsel

Social Security Administration

23 By: /s/ Noah Schabacker

NOAH SCHABACKER

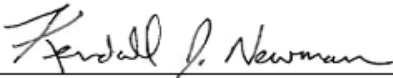
Special Assistant U.S. Attorney

Attorneys for Defendant

**ORDER**

Based upon the parties' Stipulation for the Award and Payment of Equal Access to Justice Act Fees and Expenses, **IT IS ORDERED** that fees and expenses in the amount of \$6,700.00 as authorized by 28 U.S.C. § 2412, and no costs under 28 U.S.C. § 1920, be awarded subject to the terms of the Stipulation.

Dated: October 23, 2023

  
KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE

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